

THURSDAY, APRIL 7, 1988

EIGHTIETH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Jerry Upton, Abundant Life Christian Fellowship, Maryville, Tennessee, guest of Representative Pete Drew.

Representative Pete Drew led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 96

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

The Speaker announced that Representative Jared was excused because of personal business.

REGULAR CALENDAR

*House Bill No. 1608 -- Workers' Compensation -- Allows injured employee to select physician. Amends TCA, Title 50, Ch. 6.

Further consideration of House Bill No. 1608, previously considered on March 10 and April 7, 1988.

Rep. West moved that House Bill No. 1608 be reset on the Calendar for Thursday, April 21, 1988, which motion prevailed.

PRESENT IN THE CHAMBER

Representative Wheeler was recorded as being present in the chamber.

REGULAR CALENDAR, CONTINUED

House Bill No. 2143 -- Public Records -- Makes public all records received by Department of Economic and Community Development after certain period. Amends TCA 4-17-403, 10-7-504.

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Rep. Purcell moved that House Bill No. 2143 be passed on third and final consideration.

Rep. C. Turner (Shelby) moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2143 by deleting the amendatory language of SECTION 1 in its entirety and substituting instead the following:

- (a) The department of economic and community development adopts as its official policy the principle of open records and unless otherwise provided by this section the information and documents maintained, received, or produced by such department shall be open for inspection by the public.
- (b) Any binding contract or agreement entered into or signed by the department which obligates public funds shall, along with all supporting records and documentation, be considered a public record and open for public inspection as of the date such contract or agreement is entered into or signed.
- (c)(1) Notwithstanding any other provision of law to the contrary, any record, documentary materials, or other information, including proprietary information, received, produced or maintained by the department shall be considered public unless the commissioner, with the affirmative agreement of the attorney general and reporter, determines that a document or information is of such a sensitive nature that its disclosure or release would seriously harm the ability of this state to compete or conclude agreements or contracts for economic or community development.
- (2) If the commissioner, with the agreement of the attorney general and reporter, determines pursuant to subpart (c)(1) of this section that a document or information should not be released or disclosed because of its sensitive nature, such document or information shall be considered confidential for a period of three (3) years from the date such a determination is made. After such three (3) year period, the document or information made confidential by this subsection shall become a public record and shall be open for inspection.
- (d) The provisions of this section shall not apply to trade secrets received, maintained or produced by the department. All such trade secrets shall remain confidential.
- (e) As used in this section, unless the context otherwise requires:
 - (1) "Proprietary information" means commercial or financial information which is used either directly or indirectly in the business of any person or company submitting information to the department and which gives such person an advantage or an opportunity to obtain an advantage over competitors who do not know or use such information.
 - (2) "Trade secrets" mean manufacturing processes, materials used therein, and costs associated with the manufacturing process of a person or company submitting information to the department.

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Rep. Purcell moved to amend Amendment No. 1 as follows:

Amendment No. 1 to Amendment No. 1

Amend House Bill No. 2143 by adding the following new subsection to the end of House Judiciary Committee Amendment 1:

(f)(1) The provisions of this section shall not apply to documents or records containing marketing information or capital plans which are provided to the department with the understanding that they are now and should remain confidential. Any such document or record shall remain confidential until such time as the provider thereof no longer requires its confidentiality or the document or record becomes an open record by operation of law or otherwise.

(2) As used in this subsection, unless the context otherwise requires:

(A) "Marketing information" means marketing studies, marketing analyses, and similar research and information designed to identify potential customers and business relationships.

(B) "Capital plans" means plans, feasibility studies, and similar research and information that will contribute to the identification of future business sites and capital investments.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Buck moved to amend as follows:

Amendment No. 2 to Amendment No. 1

Amend House Bill No. 2143 by adding to the first sentence of subpart (f)(1) to the House Judiciary Committee Amendment 1 by adding the word "company" between the words "to" and "documents."

AND FURTHER AMEND by inserting a period at the last sentence of subpart (f)(1) after the word "confidentiality" and deleting the words "or the document or record becomes an open records by operation of law or otherwise."

On motion, Amendment No. 2 to Amendment No. 1 was adopted.

Thereupon, Rep. C. Turner (Shelby) moved to adopt Amendment No. 1, as amended, which motion prevailed.

Rep. Buck moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2143 by deleting the words and figures "three (3) years" from the first sentence of section 1 subpart (2) of the House Committee Amendment 1 and substituting instead the words and figures "up to five (5) years."

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AND FURTHER AMEND by deleting the words and figures "three (3) year" from the second sentence of section 1 subpart (2).

On motion, Amendment No. 2 was adopted.

Rep. Purcell moved that House Bill No. 2143 be reset on the Calendar for Thursday, April 14, 1988, which motion prevailed.

***House Bill No. 1440 -- Oil and Gas --** Changes oil and gas well spacing requirements in certain counties. Amends TCA 60-1-106.

On motion, House Bill No. 1440 was made to conform with Senate Bill No. 2004.

On motion, **Senate Bill No. 2004**, on same subject, was substituted for House Bill No. 1440.

Rep. Winningham moved passage of Senate Bill No.2004 on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes. | 93 |
| Noes. | 0 |

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

***House Bill No. 0132 -- Real Property --** Requires real estate disclosure on transfer of real estate. Amends TCA, Title 66.

Rep. Long moved that House Bill No. 132 be reset on the Calendar for Thursday, April 21, 1988, which motion prevailed.

***House Bill No. 2423 -- Architects --** Defines "prototype". Amends TCA, Title 9, Ch. 8, Pt. 3; Title 12, Ch. 4, 62-2-107, 62-2-306.

Rep. Miller moved that House Bill No. 2423 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2423 by deleting Sections 1 and 2 in their entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-2-306, is amended by adding the following paragraphs:

(e) Notwithstanding the provisions of paragraph (b) above, an architect or engineer, after fully reviewing and modifying, as required, may affix his seal or stamp to a document, or part thereof, which has been prepared by another architect or engineer if such document has been designated as a state standard prototype, pursuant to Section 2 herein. The architect or engineer who is involved in a state standard prototypical re-use project, as provided in Section 2 herein, shall fully review and modify, as required, the documents and then affix his seal or stamp and signature on such documents. The architect or engineer shall become solely responsible for all documents on which his seal or stamp is placed.

SECTION 2. Tennessee Code Annotated, Title 12, Chapter 4, is amended by adding the following new part:

(a) A state standard prototype, for purposes of this part, is defined as a design on which a state correctional facility is based so that the design can be used by the State of Tennessee to construct similar buildings at different sites at a future time. The State Building Commission may designate state standard prototypes from design documents which were originally prepared for the exclusive use of the State. The State Architect shall place the appropriate designation on a document which is determined to be a state standard prototype.

(b) Prior to the re-use of documents for a project in which the original architect or engineer is not also involved, the State shall remove and obliterate from all documents the identification of the original architect or engineer, including name, address, professional seal or stamp, and signature. The architect or engineer who is involved in a state standard prototypical re-use project shall affix his seal or stamp to such design and shall be solely responsible for all documents on which his seal or stamp is placed and shall hold the original architect or engineer harmless from suits by third parties.

(c) The original architect or engineer shall not be liable for injury or damage resulting from re-use of plans, designs, details, specifications or construction documents of a state standard prototype by the State or third parties, if the original architect or engineer is not also involved in the re-use project. It is the intent of this part that the architect or engineer who seals or stamps a prototype is legally responsible only for that set of documents on which his seal or stamp is placed.

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SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Miller moved that House Bill No. 2423, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|-----------|----|
| Ayes..... | 91 |
| Noes..... | 0 |

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jones, R. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

A motion to reconsider was tabled.

House Bill No. 1423 -- Sunset Laws -- Extends termination date of the Department of Agriculture. Amends TCA, Title 4, Chs. 3, 7, 29, 31; Title 5, Ch. 9, Pt. 1; Title 8, Chs. 23, 36; Title 11, Chs. 4, 26; Title 39, Ch. 3; Titles 43, 44, 47; Title 49, Ch. 50; Title 53; Title 57, Chs. 3, 7, 8; Title 62, Ch. 21; Title 63, Ch. 12; Title 64, Ch. 1; Title 68, Chs. 8, 14, 27; Title 69, Chs. 6, 7; Title 71, Ch. 5.

Rep. Byrd moved that House Bill No. 1423 be reset on the Calendar for Thursday, April 14, 1988, which motion prevailed.

House Bill No. 1603 -- Sunset Laws -- Extends termination date of Tennessee Student Loan Program. Amends TCA, Title 4, Ch. 29; Title 49, Ch. 4.

Rep. Byrd moved that House Bill No. 1603 be passed on third and final consideration.

Rep. Byrd moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1603 by deleting Section 2 in its entirety and by substituting instead the following:

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SECTION 2. It is hereby declared that it is the legislative intent to remove the Tennessee student loan program, created by Section 49-4-501, from the sunset cycle and to make it subject to legislative oversight as part of the Tennessee student assistance corporation, board of directors, created by Section 49-4-501.

On motion, Amendment No. 1 was adopted.

Rep. Byrd moved that House Bill No. 1603, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes. | 90 |
| Noes. | 0 |

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

A motion to reconsider was tabled.

House Bill No. 1606 -- Sunset Laws -- Extends termination date of State Board for Licensing Contractors. Amends TCA, Title 4, Ch. 29; Title 62, Chs. 6, 32.

Rep. Byrd moved that House Bill No. 1606 be passed on third and final consideration.

Rep. King moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1606 by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-210(a), is amended by adding the following new item to be appropriately designated:

() State board for licensing contractors, created by Section 62-6-104;

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On motion, Amendment No. 1 was adopted.

Rep. King moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1606 by adding the following Sections to immediately precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 62-6-111(a)(1), is amended by deleting the words, figures, and symbols "seventy-five dollars (\$75.00)" and by substituting instead the words, figures, and symbols "one hundred-fifty dollars (\$150.00)".

SECTION _____. Tennessee Code Annotated, Section 62-6-111(a)(2), is amended by deleting in the third sentence the words, figures, and symbols "not to exceed thirty-five dollars (\$35.00)" and by substituting instead the words, figures, and symbols "of forty-five dollars (\$45.00)".

SECTION _____. Tennessee Code Annotated, Section 62-6-111(a)(2), is further amended by adding the following language to the end of the subsection:

The permissible fee for such examination shall be increased by five dollars (\$5.00) on July 1, 1989, and again on July 1, 1990.

SECTION _____. Tennessee Code Annotated, Section 62-6-111(f)(1), is amended by deleting the words, figures, and symbols "ten dollars (\$10.00)" and by substituting instead the words, figures, and symbols "twenty dollars (\$20.00)".

SECTION _____. Tennessee Code Annotated, Section 62-6-116 is amended by deleting the words, figures, and symbols "fifty dollars (\$50.00)" and by substituting instead the words, figures, and symbols "one hundred dollars (\$100.00)".

SECTION _____. Tennessee Code Annotated, Section 62-6-111, is amended by adding a new subsection thereto, as follows:

(g) Notwithstanding the provisions of Section 56-1-302(7) to the contrary, all revenue resulting from the increase in fees, penalties, or interest pursuant to this act shall be allocated to the Tennessee board for licensing contractors to be utilized for enforcement of the provisions of Sections 62-6-101 through 62-6-125.

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Byrd moved that House Bill No. 1606, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 95 |
| Noes | 0 |
| Present and not voting | 1 |

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Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representative present and not voting was: Long -- 1.

A motion to reconsider was tabled.

***House Joint Resolution 0594 -- Memorials, Government Officials -- Requests study of lock improvements on upper Tennessee River.**

Rep. Collier moved that House Joint Resolution No. 594 be reset on the Calendar for Thursday, April 14, 1988, which motion prevailed.

***House Joint Resolution 0595 -- Memorials, Government Officials -- Encourages support and assistance to non-main line rail operations.**

Rep. Collier moved that House Joint Resolution No. 595 be reset on the Calendar for Thursday, April 14, 1988, which motion prevailed.

***House Joint Resolution 0596 -- Memorials, Government Officials -- Requests Department of Transportation to study railroad rights-of-way for mass transit use in certain areas.**

Rep. Collier moved that House Joint Resolution No. 596 be reset on the Calendar for Thursday, April 14, 1988, which motion prevailed.

***House Joint Resolution 0598 -- Memorials, Government Officials -- Requests evaluation of economic impact of airports.**

Rep. Collier moved that House Joint Resolution No. 598 be reset on the Calendar for Thursday, April 14, 1988, which motion prevailed.

Mr. Speaker Murray relinquished the Chair to Rep. Bivens, Speaker pro tem.

Mr. Speaker pro tem Bivens relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

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***House Bill No. 1374 -- Taxes, Gross Receipts -- Removes tax imposed on wrestling events. Amends TCA, Title 68, Ch. 50.**

Rep. Long moved that House Bill No. 1374 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 75 |
| Noes..... | 17 |
| Present and not voting..... | 1 |

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Burnett, Bushing, Byrd, Cain, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Good, Hassell, Hawkins, Head, Herron, Hillis, Hobbs, Holt, Hurley, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Lawson, Long, Love, Miller, Montgomery, Moore (Lawrence), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Yelton, Mr. Speaker Murray -- 75.

Representatives voting no were: Chiles, Coffey, Davis (Cocke), Harrill, Henry, Holcomb, Huskey, May, McAfee, Moody, Scruggs, Stafford, Tankersley, Turner, L. (Shelby), Whitson, Winningham, Wood -- 17.

Representative present and not voting was: Buck -- 1.

A motion to reconsider was tabled.

***House Bill No. 2326 -- Taxes, Real Property -- Repeals right of appeal to Supreme Court for property tax actions. Amends TCA 67-5-2420.**

On motion, House Bill No. 2326 was made to conform with Senate Bill No. 2441.

On motion, **Senate Bill No. 2441**, on same subject, was substituted for House Bill No. 2326.

Rep. Bragg moved passage of Senate Bill No. 2441 on third and final consideration, which motion prevailed by the following vote:

| | |
|-----------|----|
| Ayes..... | 95 |
| Noes..... | 0 |

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones,

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U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

***House Bill No. 1745 -- Purchasing --** Permits counties to purchase fuel without public notice in certain circumstances. Amends TCA 5-14-108, 5-14-204, 6-56-304.

Rep. Bragg moved that House Bill No. 1745 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes. | 91 |
| Noes. | 2 |

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Good, Harrill, Hassell, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

Representatives voting no were: Hawkins, Hurley -- 2.

A motion to reconsider was tabled.

House Bill No. 2132 -- Budget Procedures -- Enacts "County Budget Law of 1990". Amends TCA, Titles 5, 49, 67.

Further consideration of House Bill No. 2132, previously considered on March 2, 9 and 30, 1988. On March 2, Amendments Nos. 1, 2, 3 and 4 were adopted.

Rep. Rhinehart moved that House Bill No. 2132 be passed on third and final consideration.

Rep. Crain moved to amend as follows:

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Amendment No. 5

Amend House Bill No. 2132 by designating the first sentence of subsection (a) of Section 2 as subdivision (a)(1) and by inserting the following language at the end of such sentence:

except as provided in subdivision (a)(2)

AND FURTHER AMEND by designating the second sentence of subsection (a) of Section 2 as subdivision (a)(2) and by inserting the following language prior to the words "according to the 1980 federal census", or any county having a population of:

not less than
(24,500)
(20,300)

nor more than
(24,560)
(20,400)

On motion, Amendment No. 5 was adopted.

Rep. Holcomb moved to amend as follows:

Amendment No. 6

Amend House Bill No. 2132 by deleting the words and figures "two hundred fifty thousand (250,000)" wherever they appear in Section 2(a) and by substituting instead the words and figures "one hundred forty thousand (140,000)".

On motion, Amendment No. 6 was adopted.

Rep. Naifeh moved to amend as follows:

Amendment No. 7

House Bill No. 2132 is amended by inserting in Section 2(a)(2) after the last population bracket the following population brackets:

25,300
32,700
23,850
12,725
32,760
7,450

25,350
32,760
23,900
12,825
32,800
7,500

On motion, Amendment No. 7 was adopted.

Rep. Moody moved to amend as follows:

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Amendment No. 8

Amend House Bill No. 2132 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section __. The provisions of this act shall not apply in any county having a population of:

not less than
49,275

nor more than
49,375

according to the 1980 federal census of population or any subsequent census.

On motion, Amendment No. 8 was adopted.

Rep. Wheeler moved to amend as follows:

Amendment No. 9

Amend House Bill No. 2132 by inserting the following as a new section immediately before the section establishing the effective date:

The provisions of this act shall not apply in any county having a population of not less than 67,340 nor more than 67,350 according to the federal census of 1980 or any subsequent federal census.

On motion, Amendment No. 9 was adopted.

Rep. Tanner moved to amend as follows:

Amendment No. 10

Amend House Bill No. 2132 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section __. The provisions of this act shall not apply in counties having a population of

not less than
28,250
7,450
32,760
32,850

nor more than
28,300
7,500
32,800
32,950

On motion, Amendment No. 10 was adopted.

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Rep. Phillips moved to amend as follows:

Amendment No. 11

Amend House Bill No. 2132 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section __. The provisions of this act shall not apply in any county having a population of not less than nineteen thousand six hundred fifty (19,650) nor more than nineteen thousand seven hundred twenty-five (19,725) according to the 1980 federal census of population or any subsequent census.

On motion, Amendment No. 11 was adopted.

Rep. Ussery moved to amend as follows:

Amendment No. 12

Amend House Bill No. 2132 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section __. The provisions of this act shall not apply in any county having a population of not less than 83,300 nor more than 83,400 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 12 was adopted.

Rep. DePriest moved to amend as follows:

Amendment No. 13

Amend House Bill No. 2132 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section __. The provisions of this act shall not apply in any county having a population of not less than 26,400 nor more than 26,500 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 13 was adopted.

Rep. Naifeh moved to amend as follows:

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Amendment No. 14

Amend House Bill No. 2132 by adding the following new section before the effective date and renumbering the other sections accordingly:

Section _____. The provisions of this act shall not apply in counties having a population of

not less than
28,650

nor more than
28,660

On motion, Amendment No. 14 was adopted.

Rep. Jackson moved to amend as follows:

Amendment No. 15

Amend House Bill No. 2132 by adding the following new section immediately preceding the severability section and by renumbering the subsequent sections accordingly:

Section _____. The provisions of this act shall not apply in counties having a population of

not less than
15,100
30,000

nor more than
15,200
30,100

On motion, Amendment No. 15 was adopted.

Rep. Davis (Cocke) moved to amend as follows:

Amendment No. 16

Amend House Bill No. 2132 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 49,400 nor more than 49,500 according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 16 was adopted.

Rep. Ellis moved the previous question, which motion prevailed.

Thereupon, Rep. Rhinehart moved that House Bill No. 2132, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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| | |
|------------------------------|----|
| Ayes. | 91 |
| Noes. | 3 |
| Present and not voting. | 1 |

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

Representatives voting no were: Holt, Ridgeway, Shirley -- 3.

Representative present and not voting was: Wix -- 1.

A motion to reconsider was tabled.

House Bill No. 2032 -- Architects -- Establishes license requirements for landscape architects. Amends TCA, Title 62, Ch. 2.

Rep. Bivens moved that House Bill No. 2032 be passed on third and final consideration.

Rep. Tanner moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2032 by deleting Sections 1 through 40 in their entirety and substituting instead the following new sections:

Section 1. Tennessee Code Annotated, Section 62-2-101, is amended by deleting the words "and engineering" and substituting instead the words ", engineering and landscape architecture".

Tennessee Code Annotated, Section 62-2-101, is further amended by deleting the words "or engineering" wherever they appear and substituting instead the words ", engineering or landscape architecture".

Section 2. Tennessee Code Annotated, Section 62-2-102, is amended in the first sentence by deleting the words "or engineering by" and substituting instead the words ", engineering or landscape architecture by".

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Tennessee Code Annotated, Section 62-2-102, is further amended in the first sentence by deleting the words "or 'engineer' or an" and substituting instead the words "or 'engineer' or 'landscape architect' or an".

Tennessee Code Annotated, Section 62-2-102, is further amended in the first sentence by deleting the words "or 'engineering' or both" and substituting instead the words "or 'engineering' or 'landscape architecture' or all three".

Tennessee Code Annotated, Section 62-2-102, is further amended in the first sentence by deleting the words "architect or engineer" and substituting instead the words "architect, engineer or landscape architect".

Tennessee Code Annotated, Section 62-2-102, is further amended in the last sentence by deleting the words "or engineering" and substituting the words ", engineering or landscape architecture".

Section 3. Tennessee Code Annotated, Section 62-2-103, is amended in item (2) by deleting the words "or engineering" and substituting instead the words ", engineering or landscape architectural".

Tennessee Code Annotated, Section 62-2-103, is further amended in item (2) by deleting the words "or registered engineer" and substituting instead the words ", registered engineer or registered landscape architect".

Tennessee Code Annotated, Section 62-2-103, is further amended in item (2) by deleting the words "or engineer" and substituting instead the words ", engineer or landscape architect".

Section 4. Tennessee Code Annotated, Section 62-2-103, is amended in item (3) by deleting the words "or engineers" and "or engineer" wherever they appear and by substituting instead the words ", engineers, or landscape architects" and ", engineer or landscape architect" respectively.

Section 5. Tennessee Code Annotated, Section 62-2-103, is further amended in item (4) by deleting the words "or engineers" and substituting instead the words ", engineers or landscape architects".

Tennessee Code Annotated, Section 62-2-103, is amended in item (4) by deleting the words "or engineering and" and substituting instead the words ", engineering, or landscape architecture and".

Tennessee Code Annotated, Section 62-2-103, is further amended in item (4) by deleting the words "or engineering services" and substituting instead the words ", engineering or landscape architectural services".

Section 6. Tennessee Code Annotated, Section 62-2-104, is amended in subsection (a) by deleting the words "and engineers under" and substituting instead the words ", engineers and landscape architects under".

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Tennessee Code Annotated, Section 62-2-104, is further amended in subsection (a) by deleting the words "or registered engineers" and substituting instead the words ", registered engineers or registered landscape architects".

Tennessee Code Annotated, Section 62-2-104, is further amended in subsection (b) by deleting the words "or 'engineer'" and substituting instead the words ", 'engineer' or 'landscape architect'".

Section 7. Tennessee Code Annotated, Section 62-2-105, is amended in subsections (b) and (c) by deleting the words "or architecture" wherever they appear and substituting instead the words ", architecture or landscape architecture".

Tennessee Code Annotated, Section 62-2-105, is further amended in subsection (c) by deleting the words "or engineer" wherever they appear and substituting instead the words ", engineer or landscape architect".

Section 8. Tennessee Code Annotated, Section 62-2-106, is amended by deleting the words "or engineer" and substituting instead the words ", engineer or landscape architect".

Section 9. Tennessee Code Annotated, Section 62-2-107, is amended in subsection (a) by deleting the words "or engineering" and substituting instead the words ", engineering or landscape architecture".

Section 10. Tennessee Code Annotated, Section 62-2-201, is amended in subsection (a)(2) by deleting the words and figures "six (6)" and substituting the words and figures "seven (7)".

Tennessee Code Annotated, Section 62-2-201, is further amended in subsection (a)(2) by deleting the word "and" after the word "state," and before the word "three" and by adding to the end of the sentence the following words:

and one (1) to be a registered landscape architect appointed by the governor from a list of nominees submitted by the representative professional landscape architecture society of the state

Section 11. Tennessee Code Annotated, Section 62-2-201, is further amended in subsection (a)(4) by adding the following new sentence:

The member who is a registered landscape architect shall be appointed to serve for a period of four (4) years; provided, however, that the successor of such member shall be appointed from a grand division of the state different from his predecessor.

Section 12. Tennessee Code Annotated, Section 62-2-202, is amended in subsection (a) by deleting the words "or ten" and substituting instead the word ", ten" and further amend by inserting after the words "registered engineer," and before the words "and shall" the following words:

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or ten (10) years experience in the practice of landscape architecture as a registered landscape architect.

Section 13. Tennessee Code Annotated, Section 62-2-203, is amended in subsection (a) by deleting the words "or engineering" and substituting instead the words ", engineering or landscape architecture".

Section 14. Tennessee Code Annotated, Section 62-2-204, is amended in subsection (c) by deleting the following words:

"A quorum of the board shall consist of not less than four (4) members of whom two (2) shall be architects and two (2) shall be engineers;"

and by substituting instead the following words:

A quorum of the board shall consist of not less than five (5) members, of whom two (2) shall be architects, two (2) shall be engineers and one (1) shall be a landscape architect; or three (3) shall be architects and two (2) shall be engineers or two (2) shall be architects and three (3) shall be engineers;

Tennessee Code Annotated, Section 62-2-204, is further amended in subsection (c) by deleting the word "and" before the words "for the purpose" and further amend by adding to the end of such sentence the following words:

and for the purpose of determining the qualifications of applicants for registration as landscape architects a quorum shall consist of not less than one (1) landscape architect member of the board

Section 15. Tennessee Code Annotated, Section 62-2-301, is amended by deleting the words "or as an engineer" and substituting instead the words ", as an engineer or as a landscape architect".

Tennessee Code Annotated, Section 62-2-301, is further amended by deleting the words "or engineering" and substituting instead the words ", engineering or landscape architecture" and further amend by deleting the words "license as both architect and engineer" and substituting instead the words "any combination of licenses as architect, engineer or landscape architect".

Section 16. Tennessee Code Annotated, Section 62-2-302, is amended in subsection (a) by adding to the end of the sentence the following new words:

; in determining the qualifications of applicants for registration as landscape architects, the one (1) landscape architect board member and one (1) architect or engineer board member only shall be required

Tennessee Code Annotated, Section 62-2-302, is amended in subsection (b) by adding the following new sentence:

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Applicants for registration as landscape architects shall be examined by the landscape architect member and one (1) architect and engineer member of the board.

Section 17. Tennessee Code Annotated, Section 62-2-304, is amended in subsection (a) by deleting the words "or engineering" and substituting instead the words ", engineering or landscape architect" and is further amended by deleting the words "or engineers" and substituting instead the words ", engineers or landscape architects".

Section 18. Tennessee Code Annotated, Section 62-2-306, is amended in subsection (a) by deleting the words "or engineer" and substituting instead the words ", engineer or landscape architect".

Tennessee Code Annotated, Section 62-2-306, is further amended in subsection (b) by deleting the words "and registered engineer" and substituting instead the words ", registered engineer and registered landscape architect".

Tennessee Code Annotated, Section 62-2-306, is further amended in subsection (b) by deleting the words "or 'Registered Engineer'" and substituting instead the words ", 'Registered Engineer' or 'Registered Landscape Architect'".

Tennessee Code Annotated, Section 62-2-306, is further amended in subsection (b) by adding after the words "of 'Tennessee'" the words "or 'Tennessee'".

Tennessee Code Annotated, Section 62-2-306, is further amended in the third sentence of subsection (b) by deleting the words "or engineer" and substituting instead the words
", engineer or landscape architect".

Tennessee Code Annotated, Section 62-2-306, is further amended in subsection (c) by deleting the words "or registered engineers" wherever they appear and substituting instead the words ", registered engineers or registered landscape architects".

Tennessee Code Annotated, Section 62-2-306, is further amended in subsection (d) by deleting the words "and engineering" and substituting instead the words ", engineering and landscape architectural".

Section 19. Tennessee Code Annotated, Section 62-2-308, is amended by deleting the words "or engineer" wherever they appear and substituting instead the words ", engineer or landscape architect" and is further amended by deleting the words "or engineering" wherever they appear and substituting instead the words ", engineering or landscape architecture".

Tennessee Code Annotated, Section 62-2-308, is further amended by deleting the words and figures "four (4)" wherever they appear and substituting instead the words and figures "five (5)".

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Section 20. Tennessee Code Annotated, Section 62-2-601, is amended by deleting the words "or architectural" wherever they appear and substituting instead the words ", architectural or landscape architectural" and is further amended by deleting the words "or engineering" wherever they appear and substituting instead the words ", engineering or landscape architecture", and is further amended by deleting the words "and engineers" wherever they appear and substituting instead the words ", engineers and landscape architects".

Section 21. Tennessee Code Annotated, Section 62-2-602, is amended by deleting the words "or engineering" and substituting instead the words ", engineering or landscape architectural" and is further amended by deleting the words "or a registered engineer" and substituting instead the words ", a registered engineer or a registered landscape architect".

Section 22. Tennessee Code Annotated, Title 62, Chapter 2, Part 7, is amended by deleting the part in its entirety, by designating the present Part 6 of such chapter to be Part 7, and by adding the following new language as Part 6:

62-2-601. In addition to the successful completion of examination acceptable to the board, the following shall be considered as minimum evidence satisfactory to the board that an applicant is qualified for registration as a landscape architect.

- (1) An applicant who is a graduate of a school of landscape architecture where the professional degree curriculum has been accredited and who has completed three (3) years of practical experience in landscape architectural work satisfactory to the board, of which not more than one (1) year of landscape architectural practical training and school may be concurrent;

62-2-602. (a) An accredited degree in landscape architecture shall be one which was accredited by the Landscape Architectural Accreditation Board (LAAB) at the time of graduation, or graduation was not more than two (2) academic years prior to accreditation.

62-2-603. (a)(1) For the purpose of evaluating "practical experience in landscape architectural work," the board may utilize criteria and standards published by the Council of Landscape Architectural Registration Boards (CLARB).

- (2) However, every applicant shall have not less than two (2) years of practical experience in an office of a practicing registered landscape architect.
- (3) To receive credit for practical training time, applicant must be employed by the same employer for a period of not less than four (4) consecutive calendar months. The work month is considered to be one hundred forty (140) hours.

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(b)(1) Experience acquired while employed by a registered landscape architect practicing as an individual will be credited as practical training only when acquired under the supervision of the practicing landscape architect in the course of his regular practice. Practice as a principal after proper landscape architectural registration by other jurisdictions may be accepted by the board as fulfilling the required experience in the office of a registered practicing landscape architect.

(2) Experience acquired while employed by a partnership or corporation engaging in the practice of landscape architecture will be credited as practical training only when acquired under the supervision of the partner or partners or the officer or officers who shall be the registered landscape architect or registered landscape architects exercising professional and supervisory control over the particular landscape architectural services rendered by the partnership or corporation.

(c) Practical experience as approved by the board and obtained while working in the government (United States), public or private service agencies covering the field of education, research, and in the service of such agencies as redevelopment authorities, Peace Corps, VISTA, HUD, other United States government and armed forces agencies multiplied by a factor of .75 may be considered as "practical experience" in landscape architectural work.

(d) Notwithstanding any provision herein, the board may refuse to credit as practical training experience acquired while employed by an individual or by any type of organization having any interest in any project or building prejudicial to or in conflict with the individual's or organization's professional interest therein.

62-2-604. (a) The written examination for candidates who are eligible for registration under 62-2-601 may be the current landscape architecture registration examination prepared by the Council of Landscape Architectural Registration Boards (CLARB), as accepted by the board.

(b) The board shall be responsible for administering and grading the examinations.

(c) Candidates will retain credit for any parts of the examination passed and shall be permitted to have unlimited retakes of any parts of the examination failed.

(d) The deadline date for receipt of applications for examination shall be at the discretion of the board. Each applicant eligible for written examination shall be notified of the dates set for each part of the examination, where it shall be held, and the instruments and materials he shall provide.

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(e) The initial application fee shall entitle the candidate to one (1) examination of prescribed number of parts. An additional fee shall be required for the retaking and examination or parts thereof. No refunds will be made.

62-2-605. (a) Upon proper application the board may administer any part of the Council of Landscape Architectural Registration Board's examinations for candidates who have commenced such series of examinations in another state. Each such application shall be accompanied by an administration fee and endorsement by the landscape architectural registration board of original application. Separate applications as described above shall be filed for each year's examination.

(b) Upon proper application and meeting the qualifications outlined in section 62-2-601, the board will credit to a candidate any of the prescribed parts of the Council of Landscape Architectural Registration Boards' examinations successfully passed and properly attested to by another state or possession. The candidate may then take the remaining examination parts as set forth herein and if successfully completed under this jurisdiction, he may be registered by the board. The board will extend such transfer privileges only once to each applicant and shall accept transfer of grades only from the state of original application.

62-2-606. (a) When requested to do so, the board may allow candidates who have commenced examinations in Tennessee as outlined under subsection (a) of 62-2-604, to finish taking parts of these examinations in any other state provided the other state approved this procedure and has established a method of accomplishing it.

(b) The board shall upon proper application forward the grades achieved by a candidate in the various sections of the examination given under its jurisdiction to other duly constituted landscape architectural registration boards for their use in evaluating and utilizing such results in registering the individual within their jurisdiction. The request for such transfer shall include a statement of concurrence by the other board and a description of the information it will require. The candidate shall state his need for requesting transfer, and pay a fee established by the board. Such transfer shall terminate the candidate's current application to this board for registration.

62-2-607. (a) Whether conducted in this state or another state all records of the examinations shall be returned to the state board of registration of landscape architects where the series of examinations were commenced, for recording and licensure when successfully completed.

(b) After the written examination marks are properly recorded in the permanent record book, all examination books and papers over two (2) years old may be destroyed.

Section 23. This act shall take effect on July 1, 1988, the public welfare requiring it.

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On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Bivens moved that House Bill No. 2032, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes. | 87 |
| Noes. | 9 |

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Harrill, Hassell, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Hurley, Huskey, Ivy, Jackson, Jones, U. (Shelby), Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 87.

Representatives voting no were: Cain, Coffey, Frensley, Hawkins, Holt, Hurley, Kent, May, Tanner -- 9.

A motion to reconsider was tabled.

***House Bill No. 1663 -- Drugs -- Provides for drug testing of students. Amends TCA, Title 49, Ch. 6.**

On motion, House Bill No. 1663 was made to conform with Senate Bill No. 1929.

On motion, **Senate Bill No. 1929**, on same subject, was substituted for House Bill No. 1663.

Rep. Davis (Gibson) moved that Senate Bill No. 1929 be passed on third and final consideration.

Rep. Davidson moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1929 by adding a new subsection at the end of the amendatory language in Section 1, as follows:

() Malicious use of authority granted by the provisions of this act may be grounds for dismissal of the person so acting.

Rep. Davis (Gibson) moved that Amendment No. 1 be tabled, which motion failed by the following vote:

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| | |
|------------|----|
| Ayes. | 25 |
| Noes. | 64 |

Representatives voting aye were: Byrd, Collier, Crain, Curlee, Davis (Gibson), Davis (Knox), Drew, Ellis, Frensley, Hassell, Hawkins, Henry, Hobbs, Holt, Hurley, Jackson, Moore (Lawrence), Moore (Shelby), Shirley, Stafford, Tankersley, Turner, C. (Shelby), Ussery, Wolfe, Yelton -- 25.

Representatives voting no were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Cain, Clark, Cross, Davidson, Davis (Cocke), DeBerry, DePriest, Dixon, Duer, Gaia, Good, Harrill, Head, Herron, Hillis, Holcomb, Ivy, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Long, Love, May, McAfee, Miller, Montgomery, Moody, Naifeh, Nance, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wood -- 64.

Rep. Davidson moved the previous question, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Davidson moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 1929 by adding at the end of subsection (a) of the amendatory language of Section 1 the following:

Tests shall be conducted in the presence of a witness. Persons who shall act as witnesses shall be designated in the policy of the local board of education.

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 1929 by deleting subsection (c) from the amendatory language of the original Section 1 and by substituting instead the following:

(c) Students shall be advised in writing at the time of their enrollment that they are subject to testing, and may be required to provide a specimen for testing; provided, however, that such notice shall not be required until the board of education with jurisdiction over the student so enrolled adopts a policy, procedure or guideline that approves the testing authorized by this act.

On motion, Amendment No. 3 was adopted.

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Rep. Rhinehart moved to amend as follows:

Amendment No. 4

Amend Senate Bill No. 1929 by deleting from subsection (b) in Section 1, as amended, the words "follow the procedures established by the local board of education" and substituting instead the following:

be performed by an accredited laboratory with personnel holding degrees in pharmacology, toxicology or analytical chemistry. The laboratory employee certifying the test result must have two years experience in analytic toxicology and the training necessary to recognition of aberrant results and quality control procedures. Specimens confirmed as positive shall be retained for possible retesting or reanalysis for at least 365 days.

Rep. Jackson moved that Amendment No. 4 be tabled, which motion failed by the following vote:

| | |
|------------------------------|----|
| Ayes | 39 |
| Noes | 49 |
| Present and not voting | 1 |

Representatives voting aye were: Bivens, Buck, Byrd, Coffey, Collier, Crain, Davis (Gibson), Drew, Duer, Ellis, Frensfley, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holt, Hurley, Jackson, Kent, McAfee, Moore (Lawrence), Moore (Shelby), Nance, Robinson (Davidson), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Turner, C. (Shelby), Ussery, Wix, Wolfe, Wood, Yelton -- 39.

Representatives voting no were: Bell, Bewley, Bragg, Burnett, Bushing, Cain, Chiles, Clark, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DePriest, Dixon, Gaia, Herron, Holcomb, Ivy, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Lawson, Long, Love, May, Miller, Montgomery, Moody, Naifeh, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Starnes, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Whitson, Williams, Winningham -- 49.

Representative present and not voting was: Good -- 1.

Rep. Rhinehart moved the previous question, which motion prevailed.

On motion, Amendment No. 4 was adopted.

Rep. Rhinehart moved to amend as follows:

Amendment No. 5

Amend Senate Bill No. 1929 by deleting Sections 1-3 in their entirety and substituting instead the following sections:

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SECTION 1. Tennessee Code Annotated, Section 7-86-106 is amended by deleting the period at the end of the second sentence and substituting instead the following:

and shall be payable as bona fide service charges by all service users, whether private or public, profit making, or not-for-profit including governmental entities.

SECTION 2. Tennessee Code Annotated, Section 7-86-110 is amended by deleting Subsection (c) and substituting instead the following:

The service supplier or the board of directors of the district shall be authorized to demand payment from any service user who fails or pay any proper service charge, and may take legal action, if necessary, to collect the same from such service user, or may, in lieu thereof and without any liability whatsoever to such service user for any losses or damages which result therefrom, terminate all service to such service user; provided, however, that any service user so terminated shall have the right to resume service from the service supplier as long as the service user is otherwise in compliance with the regulation of the service supplier, upon full payment of all past due service charges and any other costs or expenses, including reasonable interest, or normal costs or charges of the service supplier for the resumption of service, incurred by the service supplier and the district as the result of any nonpayment.

SECTION 3. Tennessee Code Annotated, Section 7-86-105, is hereby amended by adding a new subsection (h) to read as follows:

(h) The board shall have authority to establish or make available for the benefit and welfare of its employees such pension, insurance or other employee benefit plans as it may deem appropriate, including participation in the Tennessee Consolidated Retirement System in accordance with the provision of Tennessee Code Annotated, Title 8, Chapter 35, Part 2

SECTION 4. Tennessee Code Annotated, Section 7-86-108 (b) is amended by inserting the following punctuation and language after the words "gross receipts" in the fourth sentence", sales, or any other kind of".

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect July 1, 1987, the public welfare requiring it.

On motion, Amendment No. 5 was adopted.

Rep. L. Turner (Shelby) moved to amend as follows:

Amendment No. 6

Amend Senate Bill No. 1929 by deleting subsection (c) of Section 1 and substituting instead the following:

(c) Students shall be advised in writing at the time of their enrollment that they are subject to testing. Notice to each student shall include grounds for testing, the procedures that will be followed, and possible penalties. Students shall be advised of their right to refuse to undergo drug testing and the consequences of such a refusal.

Rep. Davis (Gibson) moved that Amendment No. 6 be tabled, which motion failed by the following vote:

| | |
|------------------------------|----|
| Ayes. | 36 |
| Noes. | 46 |
| Present and not voting. | 5 |

Representatives voting aye were: Bivens, Byrd, Collier, Crain, Curlee, Davis (Cocke), Davis (Gibson), Drew, Duer, Ellis, Frensey, Harrill, Hassell, Head, Henry, Hillis, Hobbs, Holt, Jackson, Kent, McAfee, Montgomery, Moore (Lawrence), Moore (Shelby), Peroulas, Phillips, Shirley, Stafford, Stallings, Turner, C. (Shelby), Whitson, Winningham, Wix, Wolfe, Wood, Yelton -- 36.

Representatives voting no were: Bell, Bewley, Buck, Burnett, Bushing, Cain, Clark, Coffey, Cross, Davidson, Davis (Knox), Dixon, Gaia, Good, Hawkins, Herron, Holcomb, Hurley, Ivy, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Long, May, Moody, Naifeh, Nance, Odom, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Williams -- 46.

Representatives present and not voting were: Bragg, Lawson, Miller, Rhinehart, Robinson (Hamilton) -- 5.

Rep. L. Turner (Shelby) moved the previous question, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes. | 63 |
| Noes. | 27 |

Representatives voting aye were: Bell, Bewley, Buck, Burnett, Bushing, Cain, Clark, Coffey, Collier, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Frensey, Gaia, Good, Harrill, Hassell, Hawkins, Head, Herron, Hillis, Hobbs, Holcomb, Hurley, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Long, Love, May, Miller, Moody, Moore (Lawrence), Odom, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Williams, Winningham, Wix, Wood, Mr. Speaker Murray -- 63.

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Representatives voting no were: Bivens, Bragg, Byrd, Davidson, Drew, Duer, Henry, Holt, Kent, McAfee, Montgomery, Naifeh, Nance, Peroulas, Phillips, Rhinehart, Robinson (Hamilton), Severance, Shirley, Stafford, Stallings, Swann, Turner, C. (Shelby), Ussery, Whitson, Wolfe, Yelton -- 27.

On motion, Amendment No. 6 was adopted.

Rep. Holcomb moved to amend as follows:

Amendment No. 7

Amend Senate Bill No. 1929 by adding at the end of Section 1, as amended, a new subsection as follows:

(c) No test shall be administered until the principal has notified the parent or legal guardian of the student and given that parent or legal guardian the opportunity to intervene, obtain or provide counseling to their child, administer any test the parent or guardian may desire, and otherwise question and investigate any suspected drug use by the child.

Rep. Jackson moved that Amendment No. 7 be tabled, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes. | 58 |
| Noes. | 31 |

Representatives voting aye were: Bivens, Bragg, Buck, Byrd, Coffey, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Drew, Duer, Ellis, Frensley, Good, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holt, Hurley, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, May, McAfee, Miller, Moore (Lawrence), Nance, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Winningham, Wolfe, Wood, Mr. Speaker Murray -- 58.

Representatives voting no were: Bell, Bewley, Burnett, Bushing, Cain, Clark, Cross, Dixon, Gaia, Harrill, Herron, Holcomb, Jones, U. (Shelby), King, Long, Montgomery, Moody, Moore (Shelby), Naifeh, Odom, Pruitt, Purcell, Robinson (Washington), Scruggs, Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Yelton -- 31.

Rep. Clark moved that Senate Bill No. 1929 be re-referred to the Judiciary Committee.

Rep. Burnett moved the previous question, which he later withdrew.

Rep. Jackson moved to table the motion to re-refer, which motion prevailed by the following vote:

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Ayes. 60
Noes. 31

Representatives voting aye were: Bivens, Bragg, Buck, Byrd, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Drew, Duer, Ellis, Frensley, Good, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holt, Hurley, Ivy, Jackson, Kent, King, Kisber, Lawson, May, McAfee, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Peroulas, Phillips, Rhinehart, Robinson (Davidson), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Wheeler, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 60.

Representatives voting no were: Bell, Bewley, Burnett, Bushing, Cain, Clark, Cross, Davis (Knox), Dixon, Gaia, Herron, Holcomb, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Long, Love, Montgomery, Moody, Nance, Odom, Pruitt, Purcell, Robinson (Hamilton), Robinson (Washington), Starnes, Turner, L. (Shelby), Webb, West, Whitson, Williams -- 31.

Rep. Crain moved the previous question on Senate Bill 1929, which motion failed by the following vote:

Ayes. 47
Noes. 42

Representatives voting aye were: Bewley, Bivens, Buck, Byrd, Coffey, Crain, Davis (Cocke), Davis (Gibson), DePriest, Drew, Duer, Ellis, Frensley, Gaia, Good, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Hurley, Jackson, Kent, King, May, McAfee, Moore (Lawrence), Moore (Shelby), Peroulas, Phillips, Rhinehart, Robinson (Davidson), Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Turner, C. (Shelby), Ussery, Webb, Winningham, Wix, Wolfe, Wood, Yelton -- 47.

Representatives voting no were: Bell, Bragg, Burnett, Bushing, Cain, Clark, Collier, Cross, Curlee, Davis (Knox), DeBerry, Dixon, Harrill, Herron, Holcomb, Ivy, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Lawson, Long, Love, Miller, Montgomery, Moody, Naifeh, Nance, Odom, Pruitt, Purcell, Robinson (Hamilton), Robinson (Washington), Scruggs, Starnes, Tanner, Turner (Hamilton), Turner, L. (Shelby), West, Wheeler, Whitson, Williams -- 42.

Rep. Ivy moved to amend as follows:

Amendment No. 8

Amend Senate Bill No. 1929 by adding the following new subsection at the end of the amendatory section in Section 1:

() The principal, or guidance counselor, of the school in which a student who tests positive in a drug testing program is enrolled shall provide referral information to such student and to such student's parents or guardian. Such information shall include information on inpatient, outpatient and community based drug and alcohol treatment programs.

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On motion, Amendment No. 8 was adopted.

MOTION TO RECESS

On motion of Rep. Bivens, the House recessed for 5 minutes.

RECESS EXPIRED

The recess having expired, the House was called to order by Speaker Pro Tempore DeBerry.

On motion of Rep. Chiles, the roll call was dispensed with.

REGULAR CALENDAR, CONTINUED

Rep. Holcomb moved to reconsider our action in tabling Amendment No. 7 to Senate Bill 1929, which motion failed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 35 |
| Noes..... | 45 |
| Present and not voting..... | 2 |

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Burnett, Bushing, Cain, Chiles, Clark, Cross, Curlee, Davidson, Davis (Knox), Gaia, Harrill, Henry, Herron, Holcomb, Jones, U. (Shelby), Long, Montgomery, Moody, Naifeh, Odom, Purcell, Robinson (Washington), Scruggs, Starnes, Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Yelton -- 35.

Representatives voting no were: Byrd, Coffey, Collier, Crain, Davis (Gibson), DePriest, Drew, Duer, Ellis, Frensley, Good, Hassell, Hawkins, Head, Hillis, Hobbs, Holt, Hurley, Jackson, Kent, Kernell, King, Kisber, May, McAfee, Moore (Lawrence), Nance, Peroulas, Phillips, Rhinehart, Robinson (Hamilton), Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Ussery, Winingham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 45.

Representatives present and not voting were: Ivy, Miller -- 2.

Rep. Holcomb moved to amend as follows:

Amendment No. 9

Amend Senate Bill No. 1929 by adding the following language to the end of the subsection of Section 1 which reads "A parent of the student or a person legally responsible for him or her shall be notified before any drug test is administered to the student.":

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Upon being notified that drug tests will be administered for the first time to the student, the parent or legally responsible person for the student may delay administration of such tests for five (5) school days by requesting an opportunity to intervene in order to: (1) obtain privately administered drug tests, (2) otherwise investigate any suspected drug use by the student, and (3) obtain or provide counseling for the student.

Rep. Davis (Gibson) moved that Amendment No. 9 be tabled, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes. | 53 |
| Noes. | 32 |
| Present and not voting. | 2 |

Representatives voting aye were: Bivens, Byrd, Coffey, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Drew, Duer, Ellis, Frensey, Hassell, Hawkins, Head, Henry, Hobbs, Holt, Hurley, Ivy, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, May, McAfee, Miller, Moore (Lawrence), Nance, Peroulas, Phillips, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 53.

Representatives voting no were: Bell, Bewley, Bragg, Burnett, Bushing, Cain, Chiles, Clark, Cross, Davis (Knox), Dixon, Gaia, Harrill, Herron, Holcomb, Long, Montgomery, Moody, Moore (Shelby), Naifeh, Odum, Pruitt, Purcell, Robinson (Washington), Scruggs, Starnes, Turner, L. (Shelby), Webb, West, Whitson, Williams, Yelton -- 32.

Representatives present and not voting were: Good, Lawson -- 2.

Rep. Starnes moved to amend as follows:

Amendment No. 10

Amend Senate Bill No. 1929 by adding a new subsection at the end of the amendatory language in Section 1 as follows:

In any school where LEA or school policy allows tests provided for this section, inservice training of principals and teachers will be conducted in signs and symptoms of student drug use and abuse and in the school policy for handling of these students. The Department of Mental Health and Mental Retardation shall cause qualified trainers to be available to such schools to conduct this training.

The department of Mental Health and Mental Retardation shall cause a student assistance program to be provided in schools authorizing drug testing of students under subsection (a). At a minimum, this student assistance program shall consist of a qualified student assistance program coordinator who may serve one or more schools where drug testing

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is allowed. This coordinator shall conduct assessment counseling with any student who tests positive for the presence of drugs or alcohol. Such counseling shall include a determination of the severity of the student's alcohol and drug problem and recommendation for referral to intervention or treatment resources as appropriate. The expansion of these services by TDMHMR into additional schools after the initial year shall be subject to availability of funds.

Rep. Miller moved the previous question, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes. | 70 |
| Noes. | 18 |
| Present and not voting. | 1 |

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Dixon, Duer, Ellis, Gaia, Good, Harrill, Hawkins, Henry, Herron, Hillis, Holcomb, Holt, Hurley, Ivy, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Long, Love, May, McAfee, Miller, Montgomery, Moody, Naifeh, Odom, Pruitt, Purcell, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Yelton -- 70.

Representatives voting no were: Coffey, Davis (Gibson), Drew, Frensley, Hassell, Head, Hobbs, Jackson, Moore (Lawrence), Moore (Shelby), Nance, Peroulas, Phillips, Shirley, Turner, C. (Shelby), Ussery, Wix, Wolfe -- 18.

Representative present and not voting was: Rhinehart -- 1.

Thereupon, Rep. Starnes renewed his motion for adoption of Amendment No. 10, which motion prevailed.

Rep. U. Jones (Shelby) moved to amend as follows:

Amendment No. 11

Amend Senate Bill No. 1929 by adding a new subsection at the end of the amendatory language in Section 1, as follows:

() Test reports from laboratories shall include the specimen number assigned by the submitting local education agency, the drug testing laboratory accession number, and results of the drug tests. Certified copies of all analytical results shall be available from the laboratory when requested by the local education agency or the parents of the student. The laboratory shall not be permitted to provide testing results verbally by telephone.

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Rep. Bragg moved that Senate Bill No. 1929 be re-referred to Finance, Ways, and Means Committee.

Rep. Burnett moved the previous question, which motion failed by the following vote:

| | |
|------------|----|
| Ayes | 45 |
| Noes | 45 |

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Burnett, Bushing, Cain, Chiles, Clark, Collier, Cross, Curlee, Davidson, Dixon, Gaia, Harrill, Herron, Holcomb, Hurley, Ivy, Jones, U. (Shelby), Kernell, King, Long, Love, Miller, Montgomery, Moody, Naifeh, Odom, Pruitt, Purcell, Robinson (Hamilton), Robinson (Washington), Scruggs, Starnes, Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Mr. Speaker Murray -- 45.

Representatives voting no were: Buck, Byrd, Coffey, Crain, Davis (Cocke), Davis (Gibson), Davis (Knox), Drew, Duer, Ellis, Frensley, Good, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holt, Jackson, Jones, R. (Shelby), Kent, Kisber, Lawson, May, McAfee, Moore (Shelby), Nance, Peroulas, Phillips, Rhinehart, Robinson (Davidson), Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Wolfe, Wood, Yelton -- 45.

MOTION TO RECESS

On motion of Rep. DeBerry, the House recessed for 5 minutes.

RECESS EXPIRED

The recess having expired, the House was called to order by Speaker Pro Tempore DeBerry.

On motion of Rep. Naifeh, the roll call was dispensed with.

REGULAR CALENDAR, CONTINUED

Rep. Henry moved to table the motion to re-refer Senate Bill No. 1929 to the Finance, Ways and Means Committee, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes | 63 |
| Noes | 22 |
| Present and not voting | 2 |

Representatives voting aye were: Bewley, Bivens, Buck, Byrd, Cain, Coffey, Collier, Crain, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Drew, Duer, Ellis, Frensley, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt,

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Hurley, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Moore (Lawrence), Moore (Shelby), Nance, Peroulas, Phillips, Rhinehart, Robinson (Davidson), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, West, Wheeler, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 63.

Representatives voting no were: Bell, Burnett, Bushing, Clark, Cross, Davidson, Dixon, Gaia, Herron, Jones, U. (Shelby), Long, Montgomery, Moody, Naifeh, Odom, Purcell, Robinson (Hamilton), Robinson (Washington), Starnes, Turner, L. (Shelby), Webb, Williams -- 22.

Representatives present and not voting were: Good, Whitson -- 2.

Thereupon, Rep. U. Jones (Shelby) renewed his motion to adopt Amendment No. 11, which motion prevailed.

Rep. Naifeh moved to amend as follows:

Amendment No. 12

Amend Senate Bill No. 1929 by deleting the amendatory language in its entirety added by House Education Committee #9 which reads as follows:

() If a student is tested and the results of the test are negative, all records of the test, request for a test, or indication a student has been tested, shall be expunged from all records.

and by substituting instead the following:

() All specimens testing negative on the initial screening test or negative on the confirmatory test shall be reported as negative. When a student is tested and the results of the test are negative, all records of the test, the request for the test, and indications that a student was identified for testing and was tested shall be expunged from all records in the school system.

On motion, Amendment No. 12 was adopted.

Rep. Davis (Gibson) moved to amend as follows:

Amendment No. 13

Amend Senate Bill No. 1929 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section __. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

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On motion, Amendment No. 13 was adopted.

Rep. U. Jones (Shelby) moved to amend as follows:

Amendment No. 14

Amend Senate Bill No. 1929 by deleting the effective date section and by substituting instead the following new sections:

Section _____. The governor shall appoint a nineteen (19) member special task force on student drug abuse and rehabilitation. The task force shall include attorneys, physicians, drug rehabilitation specialists, state legislators, parents, teachers, school board members, and school administrators. The governor shall appoint one (1) member to serve as chair of the task force. The task force shall meet at the call of the chair. The task force may request staff assistance from any one (1) or more of the various departments of state government. The task force shall thoroughly review the provisions of this act and shall report findings and recommendations pertaining to the effective and efficient prevention of student drug abuse and rehabilitation of student drug abusers. The special task force shall terminate and shall cease to exist on or before April 15, 1989.

Section _____. For purposes of appointing, convening, and performing assigned duties of the special task force on student drug abuse and rehabilitation, this act shall take effect on becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on April 15, 1989.

Rep. Davis (Gibson) moved that Amendment No. 14 be tabled, which motion prevailed by the following vote:

| | |
|-----------------------------|----|
| Ayes..... | 67 |
| Noes..... | 18 |
| Present and not voting..... | 1 |

Representatives voting aye were: Bewley, Bivens, Bragg, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Drew, Duer, Frensey, Good, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holt, Hurley, Ivy, Jackson, Jones, R. (Shelby), Kent, Lawson, May, McAfee, Miller, Montgomery, Moore (Lawrance), Moore (Shelby), Naifeh, Nance, Peroulas, Phillips, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 67.

Representatives voting no were: Bell, Burnett, Bushing, Clark, Dixon, Gaia, Harrill, Herron, Holcomb, Jones, U. (Shelby), Kernell, King, Long, Moody, Odom, Pruitt, Purcell, Turner, L. (Shelby) -- 18.

Representative present and not voting was: Robinson (Hamilton) -- 1.

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Rep. Herron moved to amend as follows:

Amendment No. 15

Amend Senate Bill No. 1929 by adding after the first sentence of subsection (a) in Section 1, as amended, the following:

A "reasonable indication" shall exist when the principal has a basis for forming a belief based on specific, observable facts and rational inferences drawn from those facts.

AND FURTHER AMEND by deleting from subsection (a)(1) in Section 1, as amended, the words "violated school policy" and substituting instead the words "violated a specific, written school policy prohibiting the use of drugs on school property or being under the influence of drugs on school property".

Rep. Robinson (Davidson) moved the previous question on Senate Bill No. 1929, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes. | 66 |
| Noes. | 25 |

Representatives voting aye were: Bewley, Bivens, Buck, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Drew, Duer, Ellis, Frensley, Gaia, Good, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Kent, Kisber, Lawson, Love, May, McAfee, Miller, Moore (Shelby), Nance, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Whitson, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 66.

Representatives voting no were: Bragg, Burnett, Bushing, Clark, Cross, DeBerry, Dixon, Harrill, Herron, Holcomb, Jones, U. (Shelby), Kernell, King, Long, Montgomery, Moody, Naifeh, Odom, Peroulas, Pruitt, Purcell, Tanner, Turner, L. (Shelby), Wheeler, Williams -- 25.

Thereupon, Rep. Jackson moved that Senate Bill No. 1929, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|--------------|----|
| * Ayes. | 83 |
| Noes. | 9 |

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Drew, Duer, Ellis, Frensley, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Ivy, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Nance,

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Odom, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 83.

Representatives voting no were: Bewley, Burnett, Dixon, Gaia, Jones, U. (Shelby), Long, Moody, Purcell, Turner, L. (Shelby) -- 9.

A motion to reconsider was tabled.

Mr. Speaker Murray resumed the Chair.

***House Bill No. 1638** -- Gas, Petroleum Products, Volatile Oils -- Prohibits below cost gasoline sales by dealer and creates penalties. Amends TCA, Title 47, Ch. 25, Pt. 6.

Rep. Kisber moved that House Bill No. 1638 be reset on the Calendar for Thursday, April 14, 1988, which motion prevailed.

RULES SUSPENDED

Rep. Tanner moved to suspend Rule No. 78 so that House Bill No. 2440, having been filed after the tenth legislative day, can be placed on the Finance, Ways and Means Committee calendar for Tuesday, April 12, which motion prevailed.

RULES SUSPENDED

Rep. Tanner moved to suspend Rule No. 81-1 so that House Bills Nos. 1807, 1719, 1682 and 2217, which were reported out of the Commerce subcommittee on Wednesday, April 6, could be placed on the Commerce Committee calendar on Tuesday, April 12. After Rep. Swann's objection, the motion failed by the following vote:

| | |
|------------------------------|----|
| Ayes | 41 |
| Noes | 40 |
| Present and not voting | 2 |

Representatives voting aye were: Bivens, Burnett, Bushing, Collier, Cross, Curlee, Davidson, DeBerry, DePriest, Dixon, Ellis, Gaia, Head, Hillis, Hobbs, Holt, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Love, Miller, Moore (Lawrence), Naifeh, Odom, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Stallings, Tanner, Turner, L. (Shelby), Ussery, West, Wheeler, Winningham, Mr. Speaker Murray -- 41.

Representatives voting no were: Bewley, Byrd, Cain, Chiles, Clark, Coffey, Copeland, Davis (Cocke), Davis (Knox), Drew, Duer, Frenesley, Harrill, Hassell,

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Hawkins, Henry, Holcomb, Hurley, Kent, Lawson, Long, McAfee, Montgomery, Moody, Moore (Shelby), Nance, Peroulas, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Webb, Whitson, Williams, Wolfe, Wood, Yelton -- 40.

Representatives present and not voting were: Bragg, Good -- 2.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 2032; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 2032 -- Bond Issues -- Clarifies certain statutory conflicts concerning issuance of bonds by local governments. Amends and repeals various provisions of TCA.

REGULAR CALENDAR, CONTINUED

House Bill No. 1746 -- Bond Issues -- Clarifies certain statutory conflicts concerning issuance of bonds by local governments. Amends and repeals various provisions of TCA.

On motion, House Bill No. 1746 was made to conform with Senate Bill No. 2032.

On motion, Senate Bill No. 2032, on same subject, was substituted for House Bill No. 1746.

Rep. Bragg moved passage of Senate Bill No. 2032 on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes. | 87 |
| Noes. | 0 |

Representatives voting aye were: Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Ivy, Jackson, Jones, U. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Shelby), Naifeh, Nance, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 87.

A motion to reconsider was tabled.

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MESSAGE FROM SENATE

MR. SPEAKER: I am directed to request the return of House Bill No. 513, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

BILL RETURNED

There being no objection, Rep. Starnes asked the Clerk be directed to return House Bill No. 513 to the Senate as requested.

REGULAR CALENDAR, CONTINUED

House Bill No. 2276 -- Taxes, Gross Receipts -- Provides for quarterly filing under gross receipts tax. Amends TCA, Title 67, Ch. 4.

Further consideration of House Bill No. 2276, previously considered on April 6, 1988, at which time motion was made to adopt Amendment No. 1.

On motion, House Bill No. 2276 was made to conform with Senate Bill No. 2368.

On motion, **Senate Bill No. 2368**, on same subject, was substituted for House Bill No. 2276.

Rep. Robinson (Washington) moved that Senate Bill No. 2368 be passed on third and final consideration.

Rep. Copeland moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 2368 by substituting in the amendatory language of Section 1(b) after the language "did not operate" the punctuation and language ", providing the refund amount exceeds ten dollars (\$10.00)".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Robinson (Washington) moved that Senate Bill No. 2368, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes | 86 |
| Noes | 0 |

Representatives voting aye were: Bivens, Bragg, Bushing, Byrd, Cain, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley,

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Huskey, Ivy, Jackson, Jones, U. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Shelby), Naifeh, Nance, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 86.

A motion to reconsider was tabled.

***House Bill No. 2479 -- Child Abuse -- Elevates certain deaths that are result of pattern of child abuse to first degree murder.**

Rep. Hurley moved that House Bill No. 2479 be passed on third and final consideration.

Rep. Hurley moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2479 by deleting the amendatory language of subsection (b) of SECTION 1 and substituting instead the following:

(b) It shall also be murder in the first degree to kill a child less than thirteen (13) years of age if the child's death results from one (1) or more incidents of a protracted pattern or multiple incidents of child abuse committed by the defendant against such child or if such death results from the cumulative effects of such pattern or incidents.

Rep. Moody moved the previous question, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Williams moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2479 by deleting the amendatory language of subsection (b) in its entirety and substituting instead the following:

(b) The murder of a child under the age of thirteen (13) years is first degree murder when there is a protracted pattern or multiple incidents of child abuse committed by the defendant against that child and the death is caused either by the last act of abuse or the cumulative effects of such acts of abuse.

Rep. Moody moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

| | |
|------------------------------|----|
| Ayes. | 48 |
| Noes. | 28 |
| Present and not voting. | 9 |

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Representatives voting aye were: Bewley, Bivens, Byrd, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DePriest, Drew, Frensley, Gaia, Harrill, Head, Henry, Hillis, Holcomb, Holt, Hurley, Jackson, Kent, Lawson, May, McAfee, Miller, Montgomery, Moody, Naifeh, Nance, Odom, Peroulas, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Turner, C. (Shelby), Webb, Whitson, Winningham, Wix, Wood, Yelton, Mr. Speaker Murray -- 48.

Representatives voting no were: Cain, Copeland, Davis (Gibson), DeBerry, Dixon, Duer, Ellis, Hassell, Hawkins, Herron, Ivy, Jones, U. (Shelby), Kernell, King, Kisber, Long, Moore (Shelby), Phillips, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, West, Williams -- 28.

Representatives present and not voting were: Buck, Bushing, Clark, Good, Hobbs, Love, Purcell, Severance, Wolfe -- 9.

Thereupon, Rep. Hurley moved that House Bill No. 2479, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|-----------|----|
| Ayes..... | 90 |
| Noes..... | 0 |

Representatives voting aye were: Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Shelby), Naifeh, Nance, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting, to present and not voting on House Bill No. 2479 and have this statement entered in the Journal.

Rep. Bragg

REGULAR CALENDAR, CONTINUED

House Bill No. 2475 -- Taxes -- Reenacts exemption from taxation of all premiums under certain life insurance policies.

Rep. Bivens moved that House Bill No. 2475 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes. | 89 |
| Noes. | 0 |

Representatives voting aye were: Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Drew, Duer, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Shelby), Naifeh, Nance, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 89.

A motion to reconsider was tabled.

House Bill No. 2112 -- Municipal Government -- Places certain additional requirements on not-for-profit corporation acting for certain local governmental entities pursuant to TCA Title 7, Chapter 54, Part 1. Amends TCA, Title 7, Ch. 54, Pt. 1.

Rep. Miller moved that House Bill No. 2112 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2112 by inserting immediately preceding the effective date section the following new sections and numbering the subsequent section accordingly:

SECTION ____. Tennessee Code Annotated, Section 7-54-103, is amended by adding the following language to the end of subsection (e):

Fees, rates or charges established, levied and collected for services authorized herein shall be construed to be taxes and shall only be levied in accordance with the provisions of this section. Such fees, rates or charges shall only be levied and collected if both the municipality and the county in which such municipality is located approve such fees, rates or charges in accordance with the provisions of this section. The municipality shall initiate the levying of such fees, rates or charges by introducing an ordinance to levy such fees, rates or charges in the municipal legislative body.

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No such ordinance authorizing such fees, rates or charges shall take effect unless it is approved by a two-thirds (2/3) vote of the municipal legislative body at two (2) consecutive, regularly scheduled meetings or unless it is approved by a majority of the number of qualified voters of the municipality voting in an election on the question of whether or not the fees, rates or charges should be levied.

If there is a petition of ten percent (10%) of the qualified voters who voted in the municipality in the last gubernatorial election which is filed with the county election commission within thirty (30) days of final approval of such ordinance by the municipal legislative body, then the county election commission shall call an election on the question whether or not the fees, rates or charges should be levied in accordance with the provisions of this section.

The governing body shall direct the county election commission to call such election to be held in a regular election or in a special election for the purpose of approving or rejecting such levy.

The ballots used in such election shall have printed on them the substance of such ordinance and the voters shall vote for or against its approval.

The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the municipal governing body.

The qualifications of voters voting on the question shall be the same as those required for participation in general elections.

All laws applicable to general elections shall apply to the determination of the approval or rejection of this levy.

Within thirty (30) days after the final adoption of such ordinance by a municipal legislative body or by the people voting in a referendum to authorize such fees, rates or charges, the legislative body of the county in which such municipality is located shall introduce a resolution levying the fees, rates or charges adopted in the municipal ordinance.

No such resolution authorizing fees, rates or charges shall take effect unless it is approved by a two-thirds (2/3) vote of the county legislative body at two (2) consecutive, regularly scheduled meetings or unless it is approved by a majority of the number of qualified voters of the county voting in an election on the question of whether or not the fees, rates or charges should be levied.

If there is a petition of ten percent (10%) of the qualified voters who voted in the county in the last gubernatorial election which is filed with the county election commission within thirty (30) days of final approval of such resolution by the county legislative body, then the county election commission shall call an election on the question of whether or not the fees, rates or charges should be levied in accordance with the provisions of the section.

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The county legislative body shall direct the county election commission to call such election to be held in a regular election or in a special election for the purpose of approving or rejecting such levy.

The ballots used in such election shall have printed on them the substance of such resolution and the voters shall vote for or against its approval.

The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the county legislative body.

The qualifications of voters voting on the question shall be the same as those required for participation in general elections.

All laws applicable to general elections shall apply to the determination of the approval or rejection of this tax levy.

SECTION ____ Tennessee Code Annotated, Section 7-54-103(e), is amended by designating the existing language as (e)(1), and by adding the following language to be designated as (e)(2):

(e)(2) The governing body of any municipality collecting or disposing of solid waste, constructing, owning, or operating an energy production facility shall levy and collect such fees, rates or charges for the services, facilities and commodities of its energy production facility system, shall prescribe penalties for the nonpayment thereof.

The governing body of such municipality shall have the authority to revise such fees, rates or charges from time to time whenever necessary to insure that such energy production facility system shall be and always remain self-supporting.

On motion, Amendment No. 1 was adopted.

Rep. Miller moved to amend as follows:

Amendment No. 2

Amend House Bill No. 2112 by deleting all the language in its entirety following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 7-54-102 is amended by designating the existing language as subsection (a), and by adding the following language to be designated as subsection (b):

(b) A person shall not engage in the construction, operation, or exercise jurisdiction, control, and management, whether directly or indirectly, of any energy production facility as authorized herein until and unless a waste disposal facility is located in the county where the energy

production facility is located with a capacity sufficient to accept ash, bypass, waste and/or residue of such facility for a period equal to or in excess of the term of any bonds issued or loans made to finance the construction, operation, or exercise jurisdiction, control and management of such energy production facility; provided there is geologically suitable land located within said county as determined by the department of health and environment. The requirement for waste disposal capacity to be located in the county where the energy production facility is located as provided herein may be alternatively satisfied by the execution of a contract to provide the same capacity between any duly permitted waste disposal facility and such person; provided that such contract shall be executed prior to such person engaging in the construction, operation, or exercising jurisdiction, control, and management of any energy production facility.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Davis (Knox) moved to amend as follows:

Amendment No. 1 to Amendment No. 2

Amend House Bill No. 2112 by adding the following language at the end of the amendatory language of Section 1:

Provided, however, that any waste disposal facility proposed to meet the requirements of this section shall comply with any rules, regulations or other requirements imposed by the county legislative body in the county in which such facility is located which are in effect on the effective date of this act. If such facility does not comply with such rules, regulations or requirements, then no construction, operation, or exercise of jurisdiction, control, and management, whether directly or indirectly, of the proposed energy production facility shall be authorized until such time as a waste disposal facility meeting the requirements of this section is available.

On motion, Amendment No. 1 to Amendment No. 2 was adopted by the following vote:

| | |
|------------------------------|----|
| Ayes. | 45 |
| Noes. | 35 |
| Present and not voting. | 4 |

Representatives voting aye were: Bivens, Buck, Burnett, Byrd, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cooke), Davis (Gibson), Davis (Knox), Gaia, Good, Harrill, Henry, Herron, Hillis, Holcomb, Ivy, Kent, Kernell, Lawson, May, Moody, Moore (Shelby), Naifeh, Nance, Peroulas, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Winningham, Wix, Wolfe, Wood, Yelton -- 45.

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Representatives voting no were: Bewley, Bragg, Bushing, Chiles, Clark, Copeland, Dixon, Duer, Ellis, Frensey, Hassell, Hawkins, Head, Hobbs, Holt, Hurley, Jackson, Jones, U. (Shelby), Long, Miller, Montgomery, Odom, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Turner (Hamilton), Webb, West, Wheeler, Williams, Mr. Speaker Murray -- 35.

Representatives present and not voting were: Cain, Drew, Severance, Whitson -- 4.

Thereupon, Rep. Miller moved to adopt Amendment No. 2, as amended, which motion prevailed.

Rep. Coffey moved to reconsider the House action in adopting Amendment No. 1 to Amendment No. 2, which motion was later withdrawn.

Rep. West moved to amend as follows:

Amendment No. 3

Amend House Bill No. 2112 by adding the following language as a new section before the last section:

Section __. The provisions of this act shall not apply to any county having a metropolitan form of government with a population of not less than four hundred fifty thousand (450,000) nor greater than five hundred thousand (500,000) according to the 1980 federal census or any subsequent federal census.

On motion, Amendment No. 3 was adopted.

Rep. Miller moved that House Bill No. 2112 be reset on the Calendar for Thursday, April 14, 1988, which motion prevailed.

House Bill No. 2494 -- Mass Transit -- Establishes regional transportation authority.

Rep. Robinson (Davidson) moved that House Bill No. 2494 be reset on the Calendar for Monday, April 11, 1988, which motion prevailed.

CONSENT CALENDAR

House Resolution No. 0120 -- Memorials, Professional Achievement -- Honors Carrie Saxon Perry, mayor of Hartford, Connecticut.

House Joint Resolution 0662 -- Memorials, Sports -- Honors Coach Larry White and Red Boiling Springs High School girls' basketball team on reaching TSSAA Class A state tournament.

House Joint Resolution 0663 -- Memorials, Sports -- Honors Coach David L. Wallace and Stewart County High School girls' basketball team.

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House Joint Resolution 0664 -- Memorials, Sports -- Honors Chris Gaines on selection as 1987 Amateur Athlete of Year.

House Joint Resolution 0665 -- Memorials, Sports -- Honors Vanderbilt University senior basketball center Will Perdue on being selected SEC Player of the Year.

House Joint Resolution 0666 -- Memorials, Sports -- Honors Vanderbilt basketball coach C. M. Newton on being selected SEC Coach of the Year.

House Joint Resolution 0667 -- Memorials, Public Service -- Honors GTE Corporation for its literacy campaign.

House Joint Resolution 0669 -- Memorials, Congratulations -- Honors marriage of Amy Hargrove and George Cate, III.

House Joint Resolution 0670 -- Memorials, Sports -- Honors Collingwood High School cheerleaders on receipt of "Good Sportsmanship" award.

Senate Joint Resolution 0419 -- Memorials, Sports -- Honors Coach Jack H. Harlow and Franklin County High School girls' basketball team on reaching quarter finals of TSSAA Class AAA state tournament.

Senate Joint Resolution 0424 -- Memorials, Congratulations -- Honors Mr. and Mrs. Edgar Orman on sixtieth wedding anniversary.

Senate Joint Resolution 0430 -- Memorials -- Honors Brandon Rowland for being recognized by Le Bonheur Children's Medical Center as the 1988 Miracle Child.

Senate Joint Resolution 0433 -- Memorials, Congratulations -- Honors Parsons Lions Club on 50th anniversary.

Senate Joint Resolution 0436 -- Memorials, Personal Achievement -- Honors Tony Cates on acceptance to United States Air Force Academy.

House Bill No. 2496 -- Auburntown -- Changes date of elections. Amends Chapter 65, Private Acts of 1949.

On motion, House Bill No. 2496 was made to conform with Senate Bill No. 2517.

On motion, Senate Bill No. 2517, on same subject, was substituted for House Bill No. 2496.

House Bill No. 2166 -- Montgomery County -- Vests juvenile court with concurrent probate jurisdiction. Amends Chapter 106, Private Acts of 1981, as amended.

House Bill No. 2167 -- Clarksville -- Revises time of elections for mayor and aldermen. Amends Chapter 292, Private Acts of 1957, as amended.

House Bill No. 2465 -- Manchester -- Prescribes procedure for filling vacancies on board of mayor and aldermen and for chairing meeting when mayor absent. Amends Chapter 65, Acts of 1905, as amended.

OBJECTION -- CONSENT CALENDAR

Objection was filed to the following on the Consent Calendar:

House Joint Resolution No. 667 was objected to by Rep. Duer.

Under the rules, House Joint Resolution No. 667 was placed at the foot of the Calendar for Monday, April 11, 1988.

Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, and that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes. | 90 |
| Noes. | 0 |

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Shelby), Naifeh, Nance, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1739 -- Taxes, Real Property -- Extends time for reappraisal of real property. Amends TCA 67-5-1601.

Senate Amendment No. 1

Amend House Bill No. 1739 by deleting new Section 2 in its entirety added by House Amendment No. 1 and Amendment No. 1 to Amendment 1, and by renumbering the effective date section accordingly.

Rep. Bragg moved that the House nonconcur in Senate Amendment No. 1, which motion prevailed.

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House Bill No. 1765 -- Teachers -- Eliminates 7 1/2 percent local funding requirement for appropriations to foundation program to increase teacher salaries to \$18,500. Amends TCA 49-3-306.

Senate Amendment No. 2

Amend House Bill No. 1765 by adding the following sections after Section 1 and renumbering the subsequent sections accordingly:

SECTION 2. Notwithstanding any other law, rule, or regulation to the contrary, the state board of education shall adopt rules and regulations for the distribution of all funds set forth in the General Appropriations Bill as extraordinary appropriations specifically appropriated for the purpose of increasing minimum teachers' salaries, and shall make necessary adjustments to the TFP formula factors in such a manner to insure that each LEA receives the necessary state funds to provide for said increase in salary, as affected by the Appropriations Act, for the total number of estimated positions in each of the three program areas as funded by the TFP.

SECTION 3. If any word, phrase, sentence, paragraph, or other provision of the act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other word, phrase, paragraph, or other provision or application of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Rep. Naifeh moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

| | |
|------------|----|
| Ayes. | 91 |
| Noes. | 0 |

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Shelby), Naifeh, Nance, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Soruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

A motion to reconsider was tabled.

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UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Miller moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 447 out of order, which motion prevailed.

Senate Joint Resolution 0447 -- General Assembly Proclamations -- Proclaims April 10-16, 1988 as National Community Development Week. by *Atchley.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Miller, the resolution was concurred in.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 2011; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 1938.

The Senate lifted the tabling motion, reconsidered passage of the bill, adopted Amendment No.1, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 513.

The Senate lifted the tabling motion, reconsidered passage of the bill, adopted Amendment No. 2, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No: 1687.

The Senate nonconcurred in House Amendments Nos. 1 and 2.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No: 1362.

The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 1533; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

NOTICE TO ACT ON SENATE AMENDMENTS

Pursuant to Rule No. 59, the sponsors gave notice of intent to consider the following measures from the Senate on Monday, April 11, 1988:

House Bill No. 513: Rep. Starnes

Senate Bill No. 1362: Rep. Kisber

House Bill No. 1533: Rep. Love

Senate Bill 1687: Rep. Starnes

House Bill No. 1938: Rep. West

House Bill No. 2011: Rep. Pruitt

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SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 664: Rep. Ellis added as prime sponsor.

House Bill No. 1663: Rep. Drew added as a prime sponsor.

House Bill No. 2364: Rep. West added as a sponsor.

House Bill No. 2479: Reps. Kent and Peroulas added as prime sponsors.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 0121 -- Memorials, Sports -- Honors Coopertown Elementary school girl's basketball team on winning state tournament. by *Davidson.

The Speaker referred House Resolution No. 121 to the Calendar and Rules Committee.

House Resolution No. 0122 -- Memorials, Public Service -- Honors Newport Plain Talk on receipt of School Bell award. by *Davis R E.

The Speaker referred House Resolution No. 122 to the Calendar and Rules Committee.

House Resolution No. 0123 -- Memorials, Sports -- Honors John Johnson on being selected to first team All-East Tennessee team chosen by the Knoxville News-Sentinel. by *Davis R E.

The Speaker referred House Resolution No. 123 to the Calendar and Rules Committee.

House Resolution No. 0124 -- Memorials, Sports -- Honors basketball player Wade Wester. by *Davis R E.

The Speaker referred House Resolution No. 124 to the Calendar and Rules Committee.

***House Joint Resolution 0673 --** Memorials, Government Officials -- Urges formation of Tennessee Tuition Equalization Grant Program study committee. by *King.

The Speaker referred House Joint Resolution No. 673 to the Education Committee.

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House Joint Resolution 0676 -- Memorials, Professional Achievement -- Honors Sonny Chambley, President of Preferred Temporary Services. by *Bivens.

The Speaker referred House Joint Resolution No. 676 to the Calendar and Rules Committee.

House Joint Resolution 0677 -- Memorials, Sports -- Honors University of Tennessee Swim Coach Ray Bussard on his retirement. by *Miller, *Severance, *May, *Davis J K, *Drew, *Peroulas, *Scruggs, Hillis.

The Speaker referred House Joint Resolution No. 677 to the Calendar and Rules Committee.

House Joint Resolution 0678 -- Memorials, Retirement -- Congratulates Henry Reynolds on retirement. by *Crain, *Williams K, *Moore U A, *Byrd, *Kent, *Nance, Turner L, Jones R, DeBerry, Cain, Gaia, Turner C, Kernell, Hassell, Shirley, Buck.

The Speaker referred House Joint Resolution No. 678 to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

House Bill No. 2499 -- Kingston -- Changes date of election of mayor and city councilmen. Amends Chapter 298, Private Acts of 1972. Repeals Chapter 77, Private Acts of 1987. by *Henry J.

Passed first consideration.

House Bill No. 2500 -- Smith County -- Repeals game laws. Amends Chapter 156, Private Acts of 1953, as amended. by *Buck.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 1179 -- Election Laws -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 986.

***Senate Bill No. 1348** -- Sports -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 1333.

***Senate Bill No. 1562** -- Motor Vehicles, Titling and Registration -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 1466.

***Senate Bill No. 1635** -- Education, Higher -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 1905.

***Senate Bill No. 1900** -- Insurance Companies, Agents, Brokers -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 2025.

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***Senate Bill No. 1909 -- Probation --** Held on the Clerk's desk pending third consideration of the Companion House Bill No. 2291.

Senate Bill No. 1936 -- Racing -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 1373.

***Senate Bill No. 1998 -- Teachers --** Held on the Clerk's desk pending third consideration of the Companion House Bill No. 1785.

***Senate Bill No. 2022 -- Business and Commerce --** Held on the Clerk's desk pending third consideration of the Companion House Bill No. 2075.

***Senate Bill No. 2175 -- Banks and Financial Institutions --** Held on the Clerk's desk pending third consideration of the Companion House Bill No. 2100.

Senate Bill No. 2353 -- Insurance, Health, Accident -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 2209.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 2497 -- Wayne County -- Passed second consideration and held on the Clerk's desk.

House Bill No. 2498 -- Dickson County -- Passed second consideration and held on the Clerk's desk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 1500, 1743, 1792, 1947, 1998, 2052, 2102, 2126, 2148, 2157, 2297, 2365 and 2432; and House Joint Resolutions Nos. 464, 484, 492, 495, 501, 503, 504, 505, 605, 606, 608, 631, 632, 633, 634, 635, 636, 637, 638, 640, 641, 642, 643, 644, 648, 674 and 675; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 1105, 1400, 1470, 1492, 1672, 1724, 1813, 1831, 1889, 2141, 2192, 2295, 2342, 2426; and Senate Joint Resolution No. 437.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 439, 541, 1325, 1553, 1779, 1944, 1952, 2038, 2040 and 2070; House Resolutions Nos. 118 and 119; and House Joint Resolution No. 668.

THURSDAY, APRIL 7, 1988 -- EIGHTIETH LEGISLATIVE DAY

ENROLLED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1740 and 2215; House Resolution No. 117; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 1740 and 2215; and House Resolution No. 117.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 626 and 649; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1613, 1704 and 1839; all substituted for Senate Bills on same subjects and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1374, 1603, 1606, 1745 and 2423; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 2032; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

THURSDAY, APRIL 7, 1988 -- EIGHTIETH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1497, 2043 and 2103; all substituted for Senate Bills on same subjects and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1750, 1825, 1876, 1921 and 2400; also, Senate Joint Resolutions Nos. 417 and 435; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 439, 541, 1325, 1553, 1740, 1779, 1944, 1952, 2038, 2040, 2070 and 2215; also, House Joint Resolution No. 668; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 339, 1136, 1437, 1487, 1502, 1644 and 2303; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0339 -- Health --** Makes an AIDS test part of the marriage application process. Amends TCA, Title 36, Ch. 3.

***Senate Bill No. 1136 -- Professions, Businesses and Trades --** Defines "construction design professional" and limits liability of same. Amends TCA, Title 50, Ch. 6.

***Senate Bill No. 1437 -- Credit, Consumer --** Amends Consumer Protection Act to include consumer credit transactions. Amends TCA, Title 47, Ch. 18.

THURSDAY, APRIL 7, 1988 -- EIGHTIETH LEGISLATIVE DAY

Senate Bill No. 1487 -- Prisoners and Inmates -- Allows department of correction and board of paroles to give special consideration under the contract sentencing program to prisoners with disparate sentences based upon changing sentencing laws. Amends TCA 40-34-103.

***Senate Bill No. 1502 -- Corporations, Not for Profit --** Authorizes alternative methods of amending corporate bylaws. Amends TCA 48-60-202.

***Senate Bill No. 1644 -- Motor Vehicles --** Extends the margin of error for weight restrictions to certain trucks hauling machinery. Amends TCA 55-11-203.

Senate Bill No. 2303 -- Apportionment, Legislative -- Reapportions state representative districts 66 and 68. Amends TCA 3-1-103.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 425, 426, 427, 428, 429, 431 and 432 adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution 0425 -- Memorials, Sports -- Honors Coaches John and Sherrie Pipkin and University School of Jackson girls' basketball team on reaching the second round of the TSSAA Class A state tournament.

Senate Joint Resolution 0426 -- Memorials, Sports -- Honors Coach Steve Patterson and Gibson County High School girls' basketball team on reaching second round of TSSAA Class AA state tournament.

Senate Joint Resolution 0427 -- Memorials, Sports -- Honors Coach Joe Holloway and Jackson Northside High School girls' basketball team on reaching second round of TSSAA Class AAA state tournament.

Senate Joint Resolution 0428 -- Memorials, Sports -- Honors Coach Mike Rader and Happy Valley High School girls' basketball team on reaching TSSAA Class AA state tournament.

Senate Joint Resolution 0429 -- Memorials, Sports -- Honors Coach Chuck West and Dresden High School boys' basketball team on reaching semifinal round of TSSAA Class A state tournament.

Senate Joint Resolution 0431 -- Memorials, Sports -- Honors Coach Kyle Bills and Lincoln County High School boys' basketball team on reaching TSSAA Class AAA state tournament.

Senate Joint Resolution 0432 -- Memorials, Public Service -- Honors USS Tennessee, largest undersea warship.

THURSDAY, APRIL 7, 1988 -- EIGHTIETH LEGISLATIVE DAY

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 439, 541, 1325, 1553, 1740, 1779, 1944, 1952, 2038, 2040, 2070 and 2215; and House Joint Resolution No. 668; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1497, 1613, 1704, 1839, 2043 and 2103; and House Joint Resolutions Nos. 626 and 649; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,
Chief Engrossing Clerk

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 2132; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 2332, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 2475 and 2479; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 1750, 1825, 1876, 1921 and 2400; Senate Joint Resolutions Nos. 417 and 435; House Bills Nos. 1497, 1613, 1704, 1839, 2043, 2103; House Joint Resolutions Nos. 626 and 649.

ENGROSSED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 2166, 2167 and 2465; and House Joint Resolutions Nos. 662, 663, 664, 665, 666, 669 and 670; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 1765; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 48, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 2490 and 2497.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills and/or resolutions on the Consent Calendar for Monday, April 11, 1988: House Bills Nos. 2111, 2175, 2363, 1748, 2283, 2364; House Joint Resolution No. 587; House Bills Nos. 2490 and 2497; House Resolutions Nos. 121, 122, 123 and 124; House Joint Resolutions Nos. 676, 677 and 678.

PHILLIPS, Chairman.

THURSDAY, APRIL 7, 1988 -- EIGHTIETH LEGISLATIVE DAY

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills and/or resolutions on the calendar for Thursday, April 14, 1988: House Bills Nos. 1935, 2220, 1850, 1571, 1808, 2354, 1452.

PHILLIPS, Chairman.

ROLL CALL

The roll call was taken with the following results:

Present 92

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

On motion of Rep. Naifeh, the House adjourned until 5:00 P.M. Monday, April 11, 1988.